



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

**PROMPT REPLY NECESSARY**  
**SENT BY FEDERAL EXPRESS**

**AUG 04 2004**

Mr. Marvin L. Lindmark III  
Registered Agent  
AAA Trailer Services, Inc.  
7730 Forsyth, Suite. 150.  
St. Louis, Missouri 63105

Dear Mr. Lindmark:

Re: Request for Information  
Westlake Landfill Site

40332213



Superfund

This letter seeks your cooperation in providing information and documents relating to the contamination of the Westlake Landfill Superfund Site in Bridgeton, Missouri ("Site"). The Westlake Landfill Site is contaminated with radiologically impacted wastes as well as other hazardous substances that may present a threat to human health or the environment. AAA Trailer Services, Inc. (AAA) rents, leases or owns property adjacent to the Landfill property known as the Crossroad property; the Crossroad property is part of the Westlake Landfill Site as it became contaminated with radiologically impacted soil. This property is depicted on Attachment A. For your convenience, the location of this property in relation to the Westlake Landfill Property is depicted on Attachment B, on which the Crossroad property is part of the property identified as the Ford Property.

In 1999, as a result of an inspection conducted of the Crossroad property, it was observed that the upper 2 to 6 inches of soil material had been scraped from the Buffer Zone (also depicted on Attachment A, and also known as the Ford Property) and the Crossroad property and pushed up against the boundary fence separating the Ford and Crossroad properties from the Westlake Landfill property. Furthermore, some of the scraped material was also mounded along the northern portion of the Ford and Crossroad properties. Approximately 10 to 12 inches of gravel had been placed over the eastern portion of the Crossroad property. The remaining disturbed soils were at that time left exposed.

As of 2001, Crossroad Properties, LLC (Crossroad) was the record owner of Lot 2A2. In 2001, Brad Hiles an attorney representing AAA s, Inc. (AAA) and Crossroad contacted the EPA to discuss options for removing the contaminated soil from the Crossroad property. The EPA met and discussed this with Mr. Hiles and representatives of both Crossroad (Russell Smith and

Philip Hulse) and AAA (Dino Vainalis); subsequently the Environmental Protection Agency ("EPA") sent Mr. Hiles an Administrative Order on Consent pursuant to Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act for performance of a response action at the property. The EPA did not issue that order; neither Crossroad nor AAA signed the order and the EPA never heard from these parties again regarding any cleanup of the property.

During an October 2003 investigation, it was discovered that Crossroad Lot 2A.2 and the Buffer had been graded and a gravel cover had been installed. Trailers associated with the AAA operation were parked in this area. The soil piles created by the previous grading (circa 1999) were no longer present. The EPA never received notice of this activity from either Crossroad or AAA and was not informed of these events until June of 2004 by parties other than Crossroad or AAA..

The EPA is currently considering alternatives for remedial action at the Westlake Landfill site, including the Crossroad property and the Buffer. The EPA is seeking to obtain information concerning the removal and/or movement of the radiologically contaminated soil at the Crossroad property as well as the Buffer.

The federal "Superfund" law (the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601, et seq. commonly referred to as "CERCLA" and "Superfund") gives the EPA the authority to, among other things: (1) assess contaminated sites, (2) determine the threats to human health and the environment posed by each site, and (3) clean up those sites in the order of the relative threats posed by each. Under Section 104(e)(2) of CERCLA, 42 U.S.C. Section 9604(e)(2), the EPA has broad information gathering authority which allows the EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

While the EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information the EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish the EPA to treat the information confidentially, you must advise the EPA of that fact by following the procedures outlined in Attachment C, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted with your response to this information request.

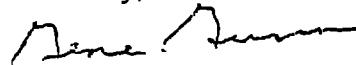
This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and attached questions (Attachment C) within 10 days of your receipt of this letter. Instructions on how to respond to the questions are described in Attachment C. Your response to this Information Request should be mailed to:

Cheryle Micinski  
Deputy Regional Counsel  
U.S. Environmental Protection  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

If you have specific questions about the Information Request, please contact Ms. Micinski at 913-551-7274.

Sincerely,



Gene Gunn  
Chief, Federal Facilities and  
Special Emphasis Branch

Enclosure

## **Attachment C**

### **Information Request**

#### **Instructions**

1. **Answer Every Question Completely.** A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. **Number Each Answer.** Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. **Provide the Best Information Available.** Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. **Identify Sources of Answer.** For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. **Continuing Obligation to Provide/Correct Information.** If additional information or documents responsive to this Request become known or available to you after you respond to this Request, the EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to the EPA.
6. **Confidential Information.** The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to the EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. the portions of the information alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;

e. pertinent confidentiality determinations, if any, by the EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and

f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by the EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by the EPA, then it may be made available to the public by the EPA without further notice to you.

7. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by the EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that the EPA intends to disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

### Definitions

The following definitions shall apply to the following words as they appear in this Supplemental Information Request.

1. The term "you" or "Respondent" shall mean AAA Trailer Services, Inc. The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of AAA Trailer Services, Inc.
2. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
3. The term "Site" shall mean the Westlake Landfill Superfund Site located in Bridgeton, Missouri.
4. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
5. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
7. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
9. The term "documents" includes any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
10. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
11. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
12. The term "real estate" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.
13. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

### Questions

1. Describe the interest held by AAA in the Crossroad Property, as depicted on Attachment A as Lot 2A2. Provide a copy of any lease, rental agreement, deed or other document identifying that interest.
2. Describe each occasion that dirt, soil, gravel, or other material (material) was moved, removed, excavated, piled, scraped on the Crossroad property and the Buffer, including the amount of material, the identity of the person performing the action, the date(s), the equipment used, where the material was placed or disposed of. Provide a map indicating the area affected. If the action was performed pursuant to a contract, provide the contract. If the action was performed pursuant to a plan, provide the plan.
3. Describe any sampling and analysis conducted by or on behalf of Crossroad at the Crossroad property or the Buffer. Provide a copy of any plan or report relating to the sampling and analysis.
4. Provide information regarding the fate of the bermed or mounded soil and other material that was previously located along the property line as indicated on Attachment A. Identify who removed the material and where the material was ultimately placed or disposed of. Provide any manifests or shipping documents.
5. Describe the depth of the gravel which presently covers the Crossroad property and the Buffer.
6. Describe the present use of the Crossroad property, including the identity of the person or firm, and the length of such use.
7. Identify the person answering these questions on behalf of AAA.